

REPLY TO:
SAFETY, HEALTH & ENVIRONMENT
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March 28, 2003

Rebecca Kane
United States Environmental Protection Agency
Office of Enforcement and Compliance Assurance
MC 2222A
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

RE: Comments on EPA's ECHO Database

Dear Ms. Kane:

The Rohm and Haas Company would like to provide the following comments on the EPA's Enforcement and Compliance History Online (ECHO) database. Rohm and Haas also adopts and incorporates the comments submitted by The American Chemistry Council on this matter. ACC has expressed our general concerns in their comment letter dated March 28, 2003 and in an effort not to be duplicative, we are providing additional comments based on the specific information requested by EPA in the Federal Register Notice.

(1) Does the site provide meaningful and useful information about the compliance and enforcement program?

We support the public availability of compliance and enforcement data; however, this information must be accurate and easily understood. We find that review of our own data in many cases was substantially confusing in that it cannot be traced to specific occurrences and does not correspond to information possessed by the facility. Neither the public nor the facility has means to verify the accuracy of these entries and facilities may suffer damage to reputation for either correct or incorrect data that cannot be verified. Additionally, the entry of the same enforcement action on duplicative tables may convey the incorrect impression that the facility received multiple, similar, enforcement actions. This approach to data presentation is potentially misleading and damaging to facility reputation.

Overall, the timing of postings and the "anchor dates" for postings and actions is worrisome. The approach taken seems to convey that the facility is in continual violation from the date of a violation through the actual date of enforcement by the agency whether this is factual or not; the facility is thus publicly held accountable for the agency's administrative enforcement delays. In our case, these delays have amounted to years to issue Title V permits or NPDES permits, for example. Greater detail is needed to more fully explain the data. We would like to suggest that the facility be provided a field to attach comments. Also that only the facility/company can provide comments on the data or request correction of the data.

Additionally, since data is updated monthly and it is obvious to us that there are many errors with our data, we will have to routinely review our data in the ECHO database to ensure the data is accurate and errors are corrected. We ask that EPA consider that this could be a large effort for our facilities when data is confusing or can not be traced. Therefore, we suggest semiannual updates would be sufficiently current and less resource intensive for both the Agency and the facilities.

(2) Is the site easy to navigate?

In general yes but in some cases, our facilities were unable to get their facility information even by simple zip code searches. It is our conclusion that the database is inconsistent.

(3) Does the help text adequately explain the data?

The acronyms used were misleading and confusing for most facilities. The presentation of the data was also difficult for many facilities due to multiple listings or outdated information. The source of the data should also be identified, so that a facility can correct any misinformation in all relevant databases. It would also be helpful if a glossary of terms was provided.

(4) What additional features, content, and/or modifications would improve the site?

We are not providing any additional suggestions for improvement. We feel the ACC comment letter makes sufficient recommendations for improvement. Our compliance history is extremely important to us and we encourage EPA to make modifications that would help us to be more active in correcting misinformation and preserving our reputation where appropriate.

(5) For members of the regulated community:

A. Were your facility reports accurate?

We have found many instances where our information was inaccurate, misleading or simply wrong. From review of the data for our facilities, we have found numerous examples of the following errors:

- Wrong SIC codes and general information about our facilities such as contact names, phone numbers, and mailing addresses. Information for closed facilities still appears in the database. There is no indication that the facility no longer exists.
- Several distinct but contiguous facilities consolidated as if they were a single facility.
- Resolved non compliances were not corrected in the database.
- NOV's or non compliances that we have successfully challenged were not removed from the database.
- Non compliances or violations were indicated where we had none.
- The timeframes of a non compliance or violation were wrong (i.e., the database has that one of our facilities is out of compliance for 8 quarters when it was 2 quarters.)
- There are occasions when we know we had permit exceedances but none were present in the database.
- Numerous regulatory inspections that were conducted at our facilities but are not listed in the database. (In one particular case, the database shows the last air inspection for one of our facilities was in 1995. However, we are routinely inspected annually.)
- The database shows numerous late DMRs when we have confirmed that they were not submitted late.
- Permit limits for some parameters are shown when none exist in our permits.
- Wrong permit, RCRA, or ID numbers (In one case, the database lists a RCRA ID number for one of our facilities that never existed [in our name- What does this mean? Lists us under a prior site owners RCRA ID?].)
- Facilities with the wrong RCRA classification (i.e., the facility is listed as a SQG when they are CESQG).
- Closed permits were never recorded and appear to still be active (i.e., Part B permits, BIF permits).
- Enforcement actions and penalties posted to the wrong dates (in some cases, not even the same year of the violation).
- Facilities deemed High Priority Violators where it is not the case (In one case we have a letter from our state that this did not occur).
- We have found instances of duplicative information such as an NOV and subsequent enforcement action shown as separate non compliances.

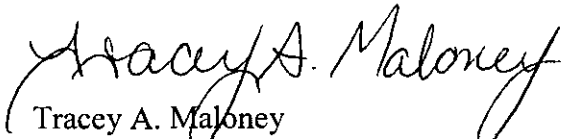
In general, it is our impression that the data for "simpler" facilities (those facilities without NPDES or air permits) were mostly accurate. Data for complex facilities (facilities with multiple permits) were riddled with errors.

B. If you did need to submit an online error report, was the error reporting process easy to use?


In general yes it is easy to submit the corrections. Our concern is with the timeliness in getting the corrections posted to the database. We would like to have the ability to place comments directly into the database and to have the ability to track corrections to ensure they are made in a timely fashion.

Rohm and Haas appreciates this opportunity to comment and we hope that this information will help to make the ECHO database a more accurate database and more reflective of our true compliance history.

Very truly yours,



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Corporate Environmental Specialist



Margaret Lattin Bazany
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